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08/311,783 09/23/94 ADAMS

W 10041

EXAMINER

LAYNO, B

F3M1/0425

ART UNIT

PAPER NUMBER

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3304

DATE MAILED:

04/25/95

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This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-10 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-10 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 8-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Jacobs.

The patent to Jacobs discloses a slot machine comprising a means 18 for receiving a wager and plurality of rotatable reels 12 having a plurality of indicia. The slot machine further includes an electro-mechanical movable bonus payout indicator 21 and a means 29, 32 for generating a plurality of signals corresponding to a plurality of displays of the indicia, see Fig. 2. When the reels of the slot machine display a "prescribed objective", a winning combination, signal generating means 29, 32 generates a signal which is sent to the electro-mechanical movable bonus payout indicator 21, page 2, lines 53-62. The signal switches the electro-mechanical movable bonus payout indicator from an inoperable state to an operable state. The mechanical movable bonus payout indicator comprises a pictorial representation of a duck 26. The duck is mounted on a disc 40 connected to a motor 38. In the operable state, if the player presses button 25 at the same time the pictorial symbol 26 is illuminated the motor is operated and the disc and pictorial symbol are set in rotation for a few seconds and bonus credits

are paid out, page 2, lines 66-129 and page 3, lines 1-51.. The rotation of the pictorial symbol are clearly visible indications of bonus payouts.

3. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an enabling disclosure.

Claim 6 and 7 recite bonus payout indicators comprising a tumbler and at least one die, and bonus payout indicators comprising a plurality of indicia of animals which traverse a race course. The specification does not specifically recite how these embodiments would function in the operative state. Would there still be an actuator button which must be depressed to operate these embodiments? How would these embodiments physically move when in operation? How would these embodiment display the various bonus payouts? How would these embodiments stop to indicate which bonus payout was won?

4. Claims 6 and 7 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

5. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tumbler and at least one die, and the plurality of indicia of animals which traverse a race course recited in claims 6 and 7, respectively must be shown or the feature cancelled from the claim. No new matter should be entered.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Rivero discloses a slot machine having an auxiliary game which is a lottery game. The lottery game comprises a rotatable cage having a plurality of lottery balls which are selected at random. When a combination of symbols appear on the reels which represent a non-winning payout, the lottery game is switched to the operative mode and the player has another opportunity to win a payout by playing the lottery game.

The patent to Chadwick et al. discloses a slot machine having an auxiliary game which is a die game. The die game comprises a die rotatably mounted to a motor. When certain symbols appear on the win line the die game is played.

The patent to Middleton discloses a slot machine having an auxiliary game which is a bagatelle game. The bagatelle game comprises a vertically mounted course having obstacles and a ball. When the ball is launched onto the course and strikes one

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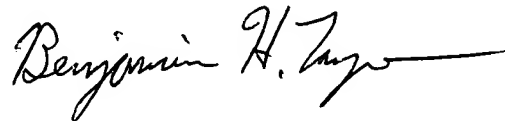
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of the obstacles a switch associated with the obstacles operates the fruit machine.

The patent to Weissmuller discloses a pinball game in combination with a race course.

7. An inquiry concerning this communication should be directed to Benjamin H. Layno at telephone number 703-308-1815.

bhl
April 18, 1995



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